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In-N-Out Burgers, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

IN-N-OUT BURGERS, Inc.,

Plaintiff,

v.

CALIBURGER, LLC, JOHN C.  
MILLER, AND JEFFREY LI JUE,  
Defendants.

**SA CV 11 - 01418 AG MLGx**  
Case No. 11 - 01418

**PLAINTIFF'S ORIGINAL  
COMPLAINT**

**I. FEDERAL TRADEMARK  
INFRINGEMENT [15 U.S.C. § 1114]  
II. TRADEMARK  
COUNTERFEITING [15 U.S.C. § 1114]  
III. FEDERAL UNFAIR  
COMPETITION [15 U.S.C. § 1125(a)]  
IV. STATUTORY UNFAIR  
COMPETITION [CAL. BUS. & PROF.  
CODE § 17200, ET SEQ.]  
V. COMMON-LAW UNFAIR  
COMPETITION  
VI. COMMON-LAW TRADEMARK  
INFRINGEMENT  
VII. INTENTIONAL  
INTERFERENCE WITH  
PROSPECTIVE ECONOMIC  
ADVANTAGE**

**DEMAND FOR JURY TRIAL**

**FILED**

2011 SEP 14 AM 11:48

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

1 Plaintiff In-N-Out Burgers, Inc. files this Original Complaint against  
 2 Defendants CaliBurger, LLC ("CaliBurger"), John Corey Miller ("Miller"), and  
 3 Jeffrey Li Jue ("Jue") (collectively, "Defendants"), and for cause would show the  
 4 Court the following:

5 **JURISDICTION, PARTIES AND VENUE**

6 1. The Court has subject matter jurisdiction over this controversy under 28  
 7 U.S.C. §§ 1331 and 1338(a) because it is a civil action involving a federal question  
 8 related to claims for trademark infringement and trademark counterfeiting arising  
 9 under the Lanham Act, Title 15 of the United States Code. The Court has original  
 10 jurisdiction over this controversy under 15 U.S.C. § 1121 because it is a civil action  
 11 involving trademark infringement, trademark counterfeiting, and unfair competition  
 12 pursuant to 15 U.S.C. §§ 1114 and 1125. The Court also has subject matter  
 13 jurisdiction over this controversy under 28 U.S.C. § 1338(b) because it is a civil action  
 14 involving a claim for unfair competition joined with claims for trademark  
 15 infringement and trademark counterfeiting arising under the Lanham Act, Title 15 of  
 16 the United States Code. The Court has supplemental jurisdiction over all other claims  
 17 pursuant to 28 U.S.C. § 1367(a).

18 2. The Court has personal jurisdiction over Defendants because Defendants  
 19 are conducting business in this State, Defendant CaliBurger has its principal office  
 20 within the Central District of this State, Defendants Miller and Jue are citizens of and  
 21 reside within the Central District of this State, Defendants' acts of trademark  
 22 infringement, trademark counterfeiting, and unfair competition are occurring in this  
 23 State, Defendants are orchestrating and directing the illegal activities in and from this  
 24 State, Defendants know or should know that they are causing harm to Plaintiff in this  
 25 State, and Defendants should reasonably anticipate being haled into court in this State.  
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1           3.     Plaintiff In-N-Out Burger, Inc. ("In-N-Out") is a corporation organized  
2 and existing under the laws of the State of California, with its principal place of  
3 business at 4199 Campus Drive, Irvine, California 92612.

4           4.     On information and belief, Defendant CaliBurger, LLC is a limited  
5 liability company (LLC) organized and existing under the laws of Delaware, with its  
6 principal place of business at 23644 Maple Springs Drive, Diamond Bar, California  
7 91765. On information and belief, Defendant CaliBurger regularly transacts business  
8 in this State and in the Central District of this Court. Defendant CaliBurger may be  
9 served with process by serving its Manager and registered agent, John C. Miller, at  
10 23644 Maple Springs Drive, Diamond Bar, California 91765.

11           5.     On information and belief, Defendant John Corey Miller is an officer,  
12 owner and/or manager of Defendant CaliBurger, with primary responsibility for the  
13 operation and management of that LLC. Defendant Miller has the right and ability to  
14 supervise the activities of Defendant CaliBurger and has direct control over that LLC,  
15 including CaliBurger's illegal activities as alleged herein. Defendant Miller may be  
16 served with process by serving him at his place of business at 23644 Maple Springs  
17 Drive, Diamond Bar, California 91765.

18           6.     On information and belief, Defendant Jeffrey Li Jue is an agent, manager,  
19 officer, and/or owner of Defendant CaliBurger, with primary responsibility for the  
20 operation and management of that LLC. Defendant Jue has the right and ability to  
21 supervise the activities of Defendant CaliBurger and has direct control over that LLC,  
22 including CaliBurger's illegal activities as alleged herein. Defendant Jue may be  
23 served with process by serving him at 797 Via Somonte, Palos Verdes Estates,  
24 California 90274.

25           7.     Venue is proper in the Central District of California pursuant to 28  
26 U.S.C. § 1391 (b) and (c) because a substantial part of the events or omissions giving  
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1 rise to Plaintiff's claims occurred in the Central District of this Court, and because  
 2 Defendants are subject to personal jurisdiction in the Central District of this Court.

3 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

4 **In-N-Out's Business**

5 8. Plaintiff In-N-Out is in the restaurant business, namely fresh, fast food.  
 6 Since 1948, In-N-Out has offered only the following types of food items: hamburgers,  
 7 french fries, and milk shakes. In-N-Out's menu has been the same since it opened its  
 8 first restaurant more than sixty (60) years ago. In-N-Out has become well known  
 9 across the United States and throughout the world for its hamburgers, french fries, and  
 10 milk shakes. Today, In-N-Out has grown to over 260 restaurant locations, in part  
 11 because of its reputation around the world.

12 9. No In-N-Out restaurant has a microwave or a freezer. All meat patties,  
 13 buns, french fries, and milk shakes are made fresh. In-N-Out's dedication to fresh  
 14 food has, in part, made the company well known for high quality, delicious food.  
 15 Indeed, Zagat® and The Wall Street Journal have ranked In-N-Out as one of the top  
 16 fast food restaurants. Each In-N-Out location prominently displays the company's  
 17 motto: "Quality you can taste."®

18 10. A staple item on In-N-Out's menu is the "DOUBLE-DOUBLE"  
 19 hamburger. Some of In-N-Out's menu items are on its "not-so-secret" menu, which  
 20 In-N-Out created from customers' preferences over time. These items include the  
 21 "ANIMAL STYLE" and "PROTEIN STYLE" hamburgers and french fries.

22 11. In-N-Out's hamburgers are identified by Plaintiff's trademarks and  
 23 service marks "DOUBLE-DOUBLE," "ANIMAL STYLE," and "PROTEIN STYLE"  
 24 (the "In-N-Out Marks").

25 12. Plaintiff owns numerous federal registrations for its In-N-Out Marks.  
 26 For example, Plaintiff owns U.S. Registration No. 1,002,370, together with all  
 27 common-law rights, in the trademark "DOUBLE-DOUBLE" for a "specially prepared  
 28

1 sandwich as part of restaurant services” based on use since at least as early as 1963.  
2 This registration is incontestable pursuant to 15 U.S.C. § 1065.

3 13. Plaintiff owns U.S. Registration No. 1,165,723, together with all  
4 common-law rights, in the trademark “DOUBLE DOUBLE” for “hamburger  
5 sandwiches for consumption on or off the premises” based on use since at least as  
6 early as March 1978. This registration is incontestable pursuant to 15 U.S.C. § 1065.

7 14. Plaintiff owns U.S. Registration No. 3,572,485, together with all  
8 common-law rights, in the trademark “DOUBLE-DOUBLE” for “a sandwich, namely,  
9 a burger the principal ingredients of which are two meat patties and two slices of  
10 cheese” based on use since at least as early as December 31, 1963.

11 15. Plaintiff owns U.S. Registration No. 1,601,172, together with all  
12 common-law rights, in the trademark “ANIMAL” for “specially prepared hamburger  
13 sandwiches and cheeseburger sandwiches, containing extra ingredients and  
14 condiments for consumption on or off the premises” based on use since at least as  
15 early as 1960. This registration is incontestable pursuant to 15 U.S.C. § 1065.

16 16. Plaintiff owns U.S. Registration No. 3,171,386, together with all  
17 common-law rights, in the service mark “ANIMAL” for “food preparation” services  
18 based on use since at least as early as 1960.

19 17. Plaintiff owns U.S. Registration No. 3,826,995, together with all  
20 common-law rights, in the trademark “ANIMAL” for “specially prepared french fries  
21 including extra ingredients” based on use since at least as early as May 2003.

22 18. Plaintiff owns U.S. Registration No. 1,598,792, together with all  
23 common-law rights, in the trademark “PROTEIN” for a “specially prepared entrée  
24 comprising meat patty wrapped in lettuce leaves for consumption on or off the  
25 premises” based on use since at least as early as 1958. This registration is  
26 incontestable pursuant to 15 U.S.C. § 1065.

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19. Plaintiff owns U.S. Registration No. 3,171,388, together with all common-law rights, in the service mark "PROTEIN" for "food preparation" services based on use since at least as early as 1958. Copies of In-N-Out's U.S. Registrations are attached as Plaintiff's Exhibits A through H.

20. In-N-Out's "DOUBLE-DOUBLE," "ANIMAL STYLE," and "PROTEIN STYLE" hamburgers and french fries are famous and widely reported in global media as favorites of Hollywood celebrities and athletes, as well as being featured in various films and television programs.

21. Plaintiff has developed an outstanding reputation in the In-N-Out Marks because of the uniform high quality of In-N-Out menu items, including its hamburgers.

22. Plaintiff also owns numerous registrations for its trademarks and service marks in other countries, as listed below:

Country	Reg. Number	Mark	Int'l Class(es)	Registration Date
Australia	563,989	DOUBLE-DOUBLE	30 and 42	September 23, 1991
Hong Kong	1994B05372	DOUBLE-DOUBLE	30	September 9, 1994
Hong Kong	2000B15633	DOUBLE-DOUBLE	30	October 4, 1999
Japan	2,627,822	DOUBLE-DOUBLE	29	February 28, 1994
Japan	3,172,888	DOUBLE-DOUBLE	42	June 28, 2006

1           23. Plaintiff's U.S. Registrations are in full force and effect and have been in  
2 full force and effect at all times relevant hereto.

3           24. Plaintiff has used its In-N-Out Marks for over forty (40) years in  
4 connection with its hamburgers, french fries and related food services.

5           25. The In-N-Out Marks identify high-quality food items and services,  
6 originating from Plaintiff.

7           26. Plaintiff has expended significant time, skill, effort, and money creating,  
8 preparing, and serving its food items under the In-N-Out Marks.

9                           **Defendants' Illegal Activities**

10           27. Plaintiff recently learned that Defendants have taken actions to infringe  
11 Plaintiff's In-N-Out Marks with food products and related food services. On  
12 information and belief, Defendants are attempting to register Plaintiff's In-N-Out  
13 Marks and/or cancel Plaintiff's In-N-Out registrations outside of the United States,  
14 including in Australia, China, Hong Kong, Japan, Korea, Russia and Singapore.

15           28. On information and belief, non-party Caterlex Pty. Ltd. is a wholly-  
16 owned subsidiary of Defendant CaliBurger. On information and belief, Caterlex has  
17 filed various applications to remove or cancel Plaintiff's trademark and service mark  
18 registrations outside of the United States, in Australia, Hong Kong, and Japan.

19           29. On information and belief, Defendants are also advertising food products  
20 and restaurant services under Plaintiff's In-N-Out Marks outside of the United States,  
21 including in China.

22           30. On information and belief, Defendants are orchestrating and directing  
23 their infringing activities, including those of Caterlex, from their offices in the United  
24 States and in this District.

25           31. On information and belief, Defendants' adoption, advertising,  
26 commercial use, and attempted registration and/or cancellation of one of more of  
27 Plaintiff's In-N-Out Marks and/or registrations outside of the United States began  
28



1 long after Plaintiff adopted and began using the In-N-Out Marks with its food items  
2 and related food services.

3 32. Plaintiff has never licensed or authorized Defendants or Caterlex to  
4 adopt, use, or apply to register Plaintiff's In-N-Out Marks with any goods or services,  
5 including food, food-related goods and/or restaurant services.

6 33. As a consequence of Defendants' acts, Plaintiff has suffered substantial  
7 damages in the United States, and Defendants have acquired and/or will acquire  
8 profits at Plaintiff's expense.

9 34. The foregoing acts of Defendants have caused Plaintiff irreparable harm  
10 in the United States. Unless enjoined, Defendants' acts alleged herein will continue to  
11 cause Plaintiff irreparable harm in the United States.

## 12 **COUNT I**

### 13 **FEDERAL TRADEMARK INFRINGEMENT**

14 35. Plaintiff repeats and realleges the allegations contained in Paragraphs 1  
15 through 34 as if fully set forth herein.

16 36. Plaintiff owns and uses the In-N-Out Marks for hamburgers, french fries  
17 and related food services.

18 37. Through significant effort, money, skill and experience, Plaintiff has  
19 acquired and enjoys valuable goodwill, recognition and reputation through its In-N-  
20 Out Marks. The maintenance of high standards of quality and excellence for its food  
21 items and related food services has contributed to In-N-Out's valuable goodwill,  
22 recognition and reputation.

23 38. On information and belief, Defendants have adopted, applied to register,  
24 advertised, offered for sale, sold and/or used Plaintiff's In-N-Out Marks with  
25 hamburgers and french fries and related food services without Plaintiff's permission  
26 or authorization.



40. The acts of Defendants complained of above constitute trademark infringement, either directly and/or contributorily, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

42. The foregoing acts of Defendants have caused Plaintiff irreparable harm in the United States. Unless enjoined, Defendants' acts alleged herein will continue to cause Plaintiff irreparable harm in the United States.

## TRADEMARK COUNTERFEITING

44. On information and belief, Defendants have used spurious designations that are identical to or substantially indistinguishable from the In-N-Out Marks with goods and services covered by Plaintiff's U.S. registrations for the In-N-Out Marks.

46. Defendants' unauthorized adoption, advertising, offer for sale, sale and/or use of Plaintiff's In-N-Out Marks with food products and food-related services are likely to cause confusion, mistake and deception. Specifically, Defendants' unauthorized adoption, advertising, offer for sale, sale and/or use of Plaintiff's In-N-Out Marks as set forth above are likely to cause the consuming public to believe that

1 Defendants' food items and related food services are the same as Plaintiff's, or that  
 2 they are authorized, sponsored or approved by Plaintiff, or that Defendants are  
 3 affiliated, connected or associated with or in some way related to, Plaintiff, when they  
 4 are not.

5 47. Defendants' unauthorized adoption, advertising, offer for sale, sale  
 6 and/or use of Plaintiff's In-N-Out Marks with food items and related food services are  
 7 likely to result in Defendants unfairly benefiting from Plaintiff's advertising and  
 8 promotion of its food items and related food services, and in Defendants profiting  
 9 from the reputation of Plaintiff and its In-N-Out Marks, all to the substantial and  
 10 irreparable injury of the public, Plaintiff and its In-N-Out Marks, and the substantial  
 11 associated goodwill.

12 48. Defendants' acts complained of above constitute trademark  
 13 counterfeiting, either directly and/or contributorily, in violation of Section 32 of the  
 14 Lanham Act, 15 U.S.C. § 1114.

15 49. As a result of the foregoing acts of Defendants, Plaintiff has suffered  
 16 damages in the United States.

17 50. The foregoing acts of Defendants have caused Plaintiff irreparable harm  
 18 in the United States. Unless enjoined, Defendants' acts alleged herein will continue to  
 19 cause Plaintiff irreparable harm in the United States.

### 20 **COUNT III**

#### 21 **FEDERAL UNFAIR COMPETITION**

22 51. Plaintiff repeats and realleges the allegations contained in Paragraphs 1  
 23 through 50 as if fully set forth herein.

24 52. The acts of Defendants complained of constitute the use in commerce of  
 25 false designations of origin and false and/or misleading descriptions or  
 26 representations, tending to falsely or misleadingly describe and/or represent  
 27 Defendants' food items and related food services as those of Plaintiff, either directly  
 28

1 and/or contributorily, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §  
2 1125(a).

3 53. As a result of the foregoing acts of Defendants, Plaintiff has suffered  
4 damages in the United States.

5 54. The foregoing acts of Defendants have caused Plaintiff irreparable harm  
6 in the United States. Unless enjoined, Defendants' acts alleged herein will continue to  
7 cause Plaintiff irreparable harm in the United States.

8 **COUNT IV**

9 **UNFAIR COMPETITION PURSUANT TO**  
10 **CAL. BUS. & PROF. CODE § 17200, et seq.**

11 55. Plaintiff repeats and realleges the allegations contained in Paragraphs 1  
12 through 54 as if fully set forth herein.

13 56. The acts of Defendants complained of above constitute unlawful, unfair  
14 and/or fraudulent business acts or practices.

15 57. The acts of Defendants complained of above constitute unfair  
16 competition, either directly and/or contributorily, in violation of California Business  
17 and Professions Code § 17200, et seq.

18 58. As a result of the foregoing acts of Defendants, Plaintiff has suffered  
19 damages in the United States.

20 59. The foregoing acts of Defendants have caused Plaintiff irreparable harm  
21 in the United States. Unless enjoined, Defendants' acts as alleged herein will continue  
22 to cause Plaintiff irreparable harm, loss and injury in the United States.

23 **COUNT V**

24 **COMMON-LAW UNFAIR COMPETITION**

25 60. Plaintiff repeats and realleges the allegations contained in Paragraphs 1  
26 through 59 as if fully set forth herein.

61. The acts of Defendants complained of above constitute unlawful, unfair and/or fraudulent business acts or practices.

62. The acts of Defendants complained of above constitute unfair competition, either directly and/or contributorily, in violation of the common law of the State of California.

63. As a result of the foregoing acts of Defendants, Plaintiff has suffered damages in the United States.

64. The foregoing acts of Defendants have caused Plaintiff irreparable harm in the United States. Unless enjoined, Defendants' acts as alleged herein will continue to cause Plaintiff irreparable harm, loss, and injury in the United States.

## COUNT VI

## COMMON-LAW TRADEMARK INFRINGEMENT

65. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 64 as if fully set forth herein.

66. The acts of Defendants complained above constitute trademark infringement, either directly and/or contributorily, in violation of the common law of the State of California.

67. On information and belief, Defendants' acts have been committed and are being committed with the deliberate purpose and intent of appropriating and trading on Plaintiff's goodwill and reputation in the United States.

68. The foregoing acts of Defendants have caused Plaintiff irreparable harm. Unless enjoined, Defendants' acts as alleged herein will continue to cause Plaintiff irreparable harm, loss and injury in the United States.

**COUNT VII**  
**INTENTIONAL INTERFERENCE WITH PROSPECTIVE**  
**ECONOMIC ADVANTAGE**

69. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 68 as if fully set forth herein.

70. Plaintiff and its In-N-Out Marks are known around the world, including in Australia, China, Hong Kong, Japan, Russia, and Singapore.

71. By virtue of its numerous trademark and service mark registrations for the In-N-Out Marks in other countries such as Australia, Hong Kong and Japan, Plaintiff has a continuing probability of expanding its physical locations and continuing and/or entering into business in other countries, such as those disclosed herein, with the expected economic benefit to Plaintiff of generating revenues and profits from such use and/or expansion.

72. On information and belief, at all relevant times, Defendants have known that Plaintiff has entered and/or may enter into business in the disclosed countries.

73. On information and belief, Defendants' above-described conduct is more than coincidental, as Defendants have actual and constructive knowledge of Plaintiff's lengthy commercial activities.

74. Defendants knew or should have known that their wrongful acts of trademark infringement described above would substantially interfere with Plaintiff's existing and prospective trademark and service mark registrations. In fact, such wrongful acts have actually disrupted Plaintiff's existing and prospective business relationships.

75. Defendants' above-described conduct has caused actual disruption to Plaintiff, as Defendants have filed applications to cancel or remove Plaintiff's trademark and service mark registrations in at least Australia, Hong Kong, and Japan.

1           76. Plaintiff has and will continue to suffer economic harm in the United  
2 States proximately caused by the acts of Defendants.

3           77. By their unsanctioned conduct, Defendants have interfered with and,  
4 unless enjoined by the Court, will continue to interfere with Plaintiff's existing and  
5 prospective business relationships by misappropriating and/or diminishing the value  
6 of Plaintiff's intellectual property rights in and to its trademarks and service marks.

7           78. Defendants' tortious conduct described above is a substantial factor in  
8 causing Plaintiff's harm in the United States in an amount to be proven at trial.

9           79. Defendants' acts constitute intentional interference with prospective  
10 economic advantage in violation of the common law of the State of California.

11           80. Defendants' conduct described above is willful, intentional, malicious  
12 and oppressive, entitling Plaintiff to an award of exemplary and punitive damages in  
13 an amount to be proven at trial against Defendants.

14                           **PRAYER FOR RELIEF**

15           WHEREFORE, Plaintiff In-N-Out Burger requests that the Court order the  
16 following relief:

17           A. Defendants have infringed and are infringing Plaintiff's exclusive rights  
18 in the In-N-Out Marks in violation of 15 U.S.C. § 1114;

19           B. Defendants' acts constitute willful infringement pursuant to 15 U.S.C. §  
20 1114;

21           C. Defendants' acts constitute trademark counterfeiting pursuant to 15  
22 U.S.C. § 1114;

23           D. Defendants' acts constitute willful trademark counterfeiting pursuant to  
24 15 U.S.C. § 1114;

25           E. Defendants' acts constitute the use in commerce of false designations of  
26 origin and false and/or misleading descriptions or misrepresentations in violation of  
27 15 U.S.C. § 1125(a);  
28

1 F. Defendants' acts constitute willful use in commerce of false designations  
2 of origin and false and/or misleading descriptions or misrepresentations in violation of  
3 15 U.S.C. § 1125(a);

4 G. Defendants be required to account to Plaintiff for all profits resulting  
5 from Defendants' infringing activities, and that the award to Plaintiff be trebled as  
6 provided for under 15 U.S.C. § 1117; alternatively that Plaintiff be awarded statutory  
7 damages under 15 U.S.C. § 1117(c) of up to \$1,000,000 for each In-N-Out Mark that  
8 Defendants counterfeited;

9 H. Defendants be required to deliver up for destruction to Plaintiff all  
10 material bearing the In-N-Out Marks in association with unauthorized goods or  
11 services and the means for production of same pursuant to 15 U.S. C. § 1118;

12 I. Defendants have unfairly competed with Plaintiff in violation of  
13 California Business and Professions Code § 17200, et seq.;

14 J. Defendants be required to account for Plaintiff's damages resulting from  
15 Defendants' unfair competition under California Business and Professions Code §  
16 17200, et seq.;

17 K. Defendants have unfairly competed with Plaintiff in violation of the  
18 common law of the State of California;

19 L. Defendants have infringed and are infringing Plaintiff's exclusive rights  
20 in the In-N-Out Marks in violation of the common law of the State of California;

21 M. Defendants have intentionally interfered with prospective economic  
22 advantage in violation of the common law of the State of California;

23 N. The Court award punitive and exemplary damages to Plaintiff in an  
24 amount to be determined at the time of trial;

25 O. Defendants, their officers, agents, servants, employees, and all persons  
26 acting in concert or participation with them who receive actual notice of the Court's  
27 order, be preliminarily and permanently enjoined and restrained from:  
28



- (1) Using any reproduction, counterfeit, copy or colorable imitation of any of the In-N-Out Marks to identify any goods or offer or provide any services not authorized by Plaintiff;
- (2) Engaging in any course of conduct likely to cause confusion, deception or mistake, or to injure Plaintiff's business reputation or dilute the distinctive quality of Plaintiff's In-N-Out Marks;
- (3) Using a false designation or representations including words or other symbols tending to falsely describe or represent Defendants' unauthorized goods or services as being those of Plaintiff or sponsored by or associated with Plaintiff, and from offering such goods or services in commerce;
- (4) Registering or cancelling registrations for any of the In-N-Out Marks outside of the United States; and
- (5) Attempting, causing, or assisting any of the above-described acts.

P. Defendants, within thirty (30) days of judgment herein, file and serve on Plaintiff a sworn statement setting forth in detail the manner and form in which Defendants have complied with this injunction pursuant to 15 U.S.C. § 1116(a);

Q. Plaintiff recover from Defendants the costs, disbursements of this action, and Plaintiff's reasonable attorneys' fees pursuant to 15 U.S.C. § 1117;

R. Defendants be ordered to pay pre-judgment interest to Plaintiff on all amounts awarded and post-judgment interest until paid at the maximum lawful rate;

S. The Court retain jurisdiction of this action for the purpose of enabling Plaintiff to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action; for the modification of any such order; for the enforcement or compliance therewith; and for the punishment of any violations thereof; and

1 T. Plaintiff have all other and further relief as the Court may deem just and  
2 proper under the circumstances.

3 **DEMAND FOR JURY TRIAL**

4 Plaintiff hereby demands a jury trial, as provided by Rule 38 of the Federal  
5 Rules of Civil Procedure.

6  
7 Dated: September 13, 2011

GRESHAM SAVAGE NOLAN &  
TILDEN

9  
10   
THEODORE K. STREAM

11 Attorneys for Plaintiff In-N-Out Burgers,  
12 Inc.

Int. Cl.: 42

Prior U.S. Cl.: 100

**United States Patent Office**

Reg. No. 1,002,370

Registered Jan. 21, 1975

**SERVICE MARK**

Principal Register

**DOUBLE-DOUBLE**

In-N-Out Burgers (California corporation)  
1404 W. Covina Blvd.  
San Dimas, Calif.

For: SPECIALLY PREPARED SANDWICH AS  
PART OF RESTAURANT SERVICES, in CLASS 100  
(INT. CL. 42).

First use at least as early as 1963; in commerce at least  
as early as 1963.

Ser. No. 451,564, filed Mar. 15, 1973.

**Exhibit A**

**Exhibit A Page 18**

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 1,165,723**

**Registered Aug. 18, 1981**

**TRADEMARK**  
**Principal Register**

**DOUBLE DOUBLE**

**In-N-Out Burgers (California corporation)**  
**13502 E. Virginia Ave.**  
**Baldwin Park, Calif. 91706**

**For: HAMBURGER SANDWICHES FOR**  
**CONSUMPTION ON OR OFF THE PREMISES,**  
**in CLASS 30 (U.S. Cl. 46).**

**First use Mar. 1978; in commerce Mar. 1978.**  
**Owner of U.S. Reg. No. 1,002,370.**

**Ser. No. 216,520, filed May 21, 1979.**

**BETH CHAPMAN, Primary Examiner**

**JERRY L. PRICE, Examiner**

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,572,485**

**Registered Feb. 10, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**DOUBLE-DOUBLE**

IN-N-OUT BURGERS (CALIFORNIA CORPORATION)  
10TH FLOOR  
4199 CAMPUS DR.  
IRVINE, CA 92612

FOR: A SANDWICH, NAMELY, A BURGER THE  
PRINCIPAL INGREDIENTS OF WHICH ARE TWO  
MEAT PATTIES AND TWO SLICES OF CHEESE, IN  
CLASS 30 (U.S. CL. 46).

FIRST USE 12-31-1963; IN COMMERCE 12-31-1963.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,002,370, 2,109,126  
AND OTHERS.

SER. NO. 77-515,377, FILED 7-6-2008.

PAM WILLIS, EXAMINING ATTORNEY

**Exhibit C**

Exhibit C, Page 20

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office** **Reg. No. 1,601,172**  
**Registered June 12, 1990**

**TRADEMARK  
PRINCIPAL REGISTER**

**ANIMAL**

**IN-N-OUT BURGERS (CALIFORNIA CORPO-  
RATION)  
13502 EAST VIRGINIA AVENUE  
BALDWIN PARK, CA 91706**

**FOR: SPECIALLY PREPARED HAMBURGER  
SANDWICHES AND CHEESEBURGER SAND-  
WICHES, CONTAINING EXTRA INGREDI-  
ENTS AND CONDIMENTS FOR CONSUMP-**

**TION ON OR OFF THE PREMISES, IN CLASS  
30 (U.S. CL. 46).**

**FIRST USE 0-0-1960; IN COMMERCE  
0-0-1960.**

**SEC. 2(F).**

**SER. NO. 73-777,545, FILED 1-30-1989.**

**JILL B. JOHNSON, EXAMINING ATTORNEY**

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

**Reg. No. 3,171,386**

**Registered Nov. 14, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ANIMAL**

IN-N-OUT BURGERS (CALIFORNIA CORPORATION)  
NINTH FLOOR  
4199 CAMPUS DRIVE  
IRVINE, CA 92612

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,601,172.

FOR: FOOD PREPARATION, IN CLASS 43 (U.S. CLS. 100 AND 101).

SER. NO. 78-781,655, FILED 12-28-2005.

FIRST USE 0-0-1960; IN COMMERCE 0-0-1960.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

**Exhibit E**

Exhibit E, Page 22



# United States of America

United States Patent and Trademark Office

## ANIMAL

**Reg. No. 3,826,995**

**Registered Aug. 3, 2010**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

IN-N-OUT BURGERS (CALIFORNIA CORPORATION)  
4199 CAMPUS DRIVE, 9TH FLOOR  
IRVINE, CA 92612

FOR: SPECIALLY PREPARED FRENCH FRIES INCLUDING EXTRA INGREDIENTS, IN  
CLASS 29 (U.S. CL. 46);

FIRST USE 1-1-2003; IN COMMERCE 5-1-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,601,172 AND 3,171,386.

SER. NO. 77-748,082, FILED 5-29-2009.

DARRYL SPRUILL, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Int. CL: 29

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

Reg. No. 1,598,792

Registered May 29, 1990

**TRADEMARK  
PRINCIPAL REGISTER**

**PROTEIN :**

IN-N-OUT BURGERS (CALIFORNIA CORPO-  
RATION)  
13502 EAST VIRGINIA AVENUE  
BALDWIN PARK, CA 91706

FOR: SPECIALLY PREPARED ENTREE  
COMPRISING MEAT PATTY WRAPPED IN  
LETTUCE LEAVES FOR CONSUMPTION ON

OR OFF THE PREMISES, IN CLASS 29 (U.S. CL.  
46).

FIRST USE 0-0-1958; IN COMMERCE  
0-0-1958.  
SEC. 2(F).

SER. NO. 73-777,544, FILED 1-30-1989.

JILL E. JOHNSON, EXAMINING ATTORNEY

Exhibit G

Exhibit G, Page 24

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

**Reg. No. 3,171,388**

**Registered Nov. 14, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**PROTEIN**

IN-N-OUT BURGERS (CALIFORNIA CORPORATION)

NINTH FLOOR

4199 CAMPUS DRIVE

IRVINE, CA 92612

FOR: FOOD PREPARATION, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1958; IN COMMERCE 0-0-1958.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,598,792.

SER. NO. 78-781,707, FILED 12-28-2005.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

**Exhibit H**

Exhibit H, Page 25

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

**SACV11- 1418 AG (MLGx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☒ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

Theodore K. Stream, State Bar No. 138160  
 Email: Ted.Stream@greshamsavage.com  
 GRESHAM SAVAGE NOLAN & TILDEN, PC  
 3750 University Ave., Ste 250  
 Riverside, CA 92501-3335

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

In-N-Out Burgers, Inc.,

CASE NUMBER

**SA CV**  
 PLAINTIFF(S)

**11 - 01418****AG****MLGx**

v.

CaliBurger, LLC, John C. Miller, Jeffrey Li Jue,

## SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): CaliBurger, LLC; John C. Miller; Jeffrey Li Jue

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Theodore K. Stream, whose address is 3750 University Ave., Ste 250, Riverside, Ca 92501-3335. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**TERRY NAFISI**

Clerk, U.S. District Court

Dated: SEP 14 2011By: L. MURRAY

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

COPY

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
In-N-Out Burgers, Inc.DEFENDANTS  
CaliBurger, LLC; John C. Miller; Jeffrey Li Jue

Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Theodore K. Stream, GRESHAM SAVAGE NOLAN & TILDEN, PC  
3750 University Ave., Ste. 250, Riverside, CA 92501-3335  
(951) 684-2171

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ in excess min./jurisdictional limit

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC §1114 (Trademark Infringement/Counterfeiting); 15 USC § 1125(a) (Unfair Competition); Cal. Bus &amp; Prof. Code §17200 (Statutory Unfair Competition)

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<b>RETRIBUTIONS</b>	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923) (405(g))
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights		<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

FOR OFFICE USE ONLY: Case Number:

SA CV 11 - 01418

AG

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
In-N-Out Burgers, Inc. does business in Orange County, California	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
CaliBurger, LLC is a Delaware limited liability company doing business in the State of California, City of Diamond Bar in Los Angeles County. John C. Miller & Jeffrey Li Jue both are residents of Los Angeles County.	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved.**

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_ Date September 13, 2011

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HLA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))